

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**September 22, 2004**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Spencer, P.J., Ortega, J., Mallano, J., Mosk, J. (Assigned) and D. Nolan, Deputy Clerk.

B169960     Brad Pye, Jr.  
                 v.  
                 Jennifer Thomas, et al.

Merits:  
Argued by Anthony Willoughby for appellant and by Allan E. Ceran for respondents. Cause submitted.

B163108     ECC Construction, Inc.  
                 v.  
                 Oak Park Calabassas Homeowners Association

Merits on motion to dismiss:  
Argued by Barbara W. Ravitz for respondent and by Wendy C. Lascher for appellant. Motion taken under submission.

B168032     Ben Vielma  
                 v.  
                 Exult, Inc., et al.

Merits:  
Argued by Kevin S. Rosen for appellants and by David G. Jones for respondent. Cause submitted.

DIVISION ONE (Continued)

B169910     Paul E. Ballmer, et al.  
                 v.  
                 Franchise Tax Board, et al.

Merits:  
Argued by Derek L. Tabone for appellants and by Stephen Lew for respondents. Cause submitted.

B168867     Patricia Gonzalez  
                 v.  
                 County of Los Angeles, et al.

Merits:  
Argued by Duane R. Folke for appellant. Amber A. Logan appears for respondents and waives argument. Cause submitted.

B172449     Hartford Casualty Insurance Company  
                 v.  
                 Mt. Hawley Insurance Company

Merits:  
Argued by Jon S. Brick for appellant and by Janet Pesak for respondent. Cause submitted.

B170192     Los Angeles Society for the Prevention of Cruelty to Animals  
                 v.  
                 Gary M. Rogers

Merits:  
Argued by Patrick D. Webb for appellant and by James G. Jones for respondent. Cause submitted.

Court adjourned.

DIVISION TWO

B168837      Friends of Ivan Hill Terrace      (Not for Publication)  
v.  
City of Los Angeles, et al.  
Thomas Hood, et al.

The judgment of the trial court is affirmed. Respondents and real parties are entitled to their costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                     Nott, J.

DIVISION THREE

B171957      People      (Not for Publication)  
v.  
Estrada

The order striking the allegation of a 1993 prior conviction of robbery under Penal Code section 667, subdivision (a)(1), is set aside and the judgment is modified to reflect a state prison term of 45 years to life consisting of 25 years to life for robbery, plus 10 years for the personal use of a firearm and 10 years for two five-year prior conviction enhancements under Penal Code section 667, subdivision (a)(1). As so modified, the judgment is affirmed. The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment.

Klein, P.J.

We concur:    Croskey, J.  
                     Kitching, J.

September 22, 2004 (Continued)

### DIVISION THREE (Continued)

B171441 People (Not for Publication)  
v.  
Telemaque

The judgment (order revoking probation) is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

B163720      Menchaca      (Not for Publication)  
v.  
Menchaca

The judgment dated October 8, 2002, is affirmed. Victoria is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

B156211      Sonn, et al.      (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Daewoo Motor America, Inc., r.p.i.)

Let a peremptory writ of mandate issue directing the superior court to vacate its order of January 4, 2002, and enter a new order denying attorney fees. Plaintiffs are entitled to recover their costs.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

September 22, 2004 (Continued)

### DIVISION THREE (Continued)

B166044      Pulford      (Not for Publication)  
v.  
County of Los Angeles

The judgment is affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B174707 Christian F. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(Los Angeles County Department of Children and Family Services, r.p.i.)

The petition is denied.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

DIVISION FOUR

B168675      Kinney      (Not for Publication)  
v.  
Occidental Oil and Gas Corporation et al.

The order of dismissal is affirmed. Defendants are to have their costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

September 22, 2004 (Continued)

## DIVISION FOUR (Continued)

[illegible]

The order committing appellant to the CYA is reversed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B174526 Shelley G. (Not for Publication)  
v.  
Superior Court, Los Angeles County  
(DCFS, r.p.i.)

The petition is denied. The juvenile court is ordered to proceed with a section 366.26 hearing.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B167498 People (Not for Publication)  
v.  
Park

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.  
Grimes, J. (Assigned)

September 22, 2004 (Continued)

## DIVISION FOUR (Continued)

B170871      People                                  (Not for Publication)  
v.  
Hollingsworth

The judgment is reversed.

Curry, J.

We concur: Epstein, Acting P.J.  
Hastings, J.

DIVISION FIVE

B171975      Derderian Bros. Corporation      (Not for Publication)  
v.  
City of Pasadena

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

B173621      People      (Not for Publication)  
v.  
Michael Patrick Danaher

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Mosk, J.

September 22, 2004 (Continued)

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.  
Armstrong, J.

DIVISION SIX

B167710 People v. Butler (Not for Publication)

The sentence is reversed so that Butler be resentenced consistent with *Blakely*. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

## DIVISION SEVEN

B169478 People (Not for Publication)  
v.  
Bonilla

The judgment is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Zelon, J.



## DIVISION SEVEN (Continued)

B169386      People                      (Not for Publication)  
v.  
Fletcher

The judgment is modified to award Fletcher 437 days of presentence custody credit, 380 of actual custody days and 57 days of conduct credit. As modified, the judgment is affirmed. The superior court shall prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B167416 People (Not for Publication)  
v.  
White

The judgment is modified to reflect a restitution fine of \$10,000 and a parole revocation fine of \$10,000. As modified, the judgment is affirmed. The petition for writ of habeas corpus is denied.

Perluss, P.J.

We concur:   Johnson, J.  
                          Zelon, J.

DIVISION SEVEN (Continued)

B170700      M & N Rug Enterprises                      (Not for Publication)  
v.  
Chosen Few Information Systems, Inc. et al.

The judgment is reversed, and the matter is remanded for further proceedings not inconsistent with this opinion. Chosen Few Information Systems, Inc., Chosen Few Personnel Services, Inc. and James L. Perry are to recover their costs on appeal.

Perluss, P.J.

We concur:    Johnson, J.  
                     Woods, J.

B159386      Edwards et al.                      (Not for Publication)  
v.  
Angeles Abbey Memorial Park et al.

The judgment is reversed. The matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Plaintiffs are to recover their costs on appeal.

Perluss, P.J.

We concur:    Johnson, J.  
                     Zelon, J.

DIVISION SEVEN (Continued)

B164151      County of Los Angeles      (Not for Publication)  
                 v.  
                 Barnes

The portion of the order denying Barnes's motion to vacate is affirmed.  
That portion of the order denying Barnes request for modification is  
reversed and remanded for further proceedings consistent with this opinion.  
The parties are to bear their own costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                 Zelon, J.

DIVISION EIGHT

B169563      John B.  
                 v.  
                 Superior Court, Los Angeles County  
                 (Bridget B., r.p.i.)

Filed order denying petition for rehearing.

B177160      Patel et al.  
                 v.  
                 Ghosh et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal  
filed July 27, 2004) dismissed.